

EI-4030



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Jacksonville, FL 32202  
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Dave Geraci  
Manager - Network Rationalization

January 21, 2008

Mr. Steven Doleski  
New York State Department of  
Environmental Conservation  
270 Michigan Avenue  
Buffalo, NY 14203

RE: CSXT Abandonment  
Niagara County, NY  
STB Docket AB-55 (Sub-No. 649X)

Dear Mr. Doleski:

Thank you for your letter dated October 5, 2007 regarding CSXT's proposed abandonment of the above referenced line segment.

CSX Transportation has performed an exhaustive review of the project sites listed and submits the following comments:

The Roblin Steel/ Former Roblin Steel Site and the 814 River Road Site are approximately 14 city blocks north of the parcel. Both of these are in the vicinity of the CSXT mainline and not the spur proposed for sale. It should be noted that a search of the NYSDEC Environmental Site Remediation Database revealed that the Roblin Steel/ Former Roblin Steel Site was remediated in accordance with the Record of Decision (ROD) in 2004 and the NYSDEC is awaiting final documentation for the environmental easement for the City of North Tonawanda. A Soil Management Plan and a long term O&M plan are in place and the site will be redeveloped. At no time did the CSXT receive a Right-of-Entry request during the project. Per the NYSDEC website, the 814 River Road site is currently involved in an Interim Remedial Measure (IRM) and a ROD is expected in 2008. Again, no Right-of-Entry request has been received by CSXT.

The Schreck's Scrapyard site is bounded by Schenck Street to the north and the proposed parcel to be sold to the east. This site has been remediated and was sold by the City. At no time did the CSXT receive a Right-of-Entry request during the project. It is currently used for commercial purposes including storage of vehicles and wood processing.

CSXT is a PRP in the Booth Oil Company project. Remedial measures have been completed at the site and the NYSDEC approved the removal of the site monitoring wells in Fall 2007. Annual visual site inspections will be conducted through December 2009 per the ROD. As such, the section of the parcel north of Robinson Street will not be included in the proposed property sale.

In regards to your concerns regarding crosstie removal, disposal and recycling each situation is evaluated individually. Whenever possible, it is CSXT's preference to remove and reuse crossties. However, if crossties have outlived their useful railroad life they are classified as "landscape" or "scrap". Landscape ties are removed and sold as such. Scrap ties are removed and transported to various EPA authorized facilities to be ground and burned as fuel.


Lastly, you commented regarding the potential future use of the land. There is a proposed purchaser for the southern portion of the abandonment area. This purchaser wishes to expand their current industrial facility. The remaining parcels of land which are owned in fee title by CSXT will be transferred to our Real Estate Department as out-parcels for possible sale or development in the future.

Based on these comments and those in our environmental report sent August 7, 2007 outlining our action in Section 9 (ii) (below), CSXT would like concurrence from your office stating that the action as proposed will not require any permits from your office.

*Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.*

Please do not hesitate to contact me at your convenience should you have any further questions, comments or concerns.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

**Attachment**

Copy: Mr. Steven Armbrust, CSXT, 500 Water Street-J150, Jacksonville, FL, 32202  
STB-SEA, 395 East Street, SW, Washington, DC 20423-0001

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits, Region 9**  
270 Michigan Avenue, Buffalo, New York, 14203-2999  
**Phone:** (716) 851-7165 • **FAX:** (716) 851-7168  
**Website:** www.dec.state.ny.us



Alexander B. Grannis  
Commissioner

October 5, 2007

Mr. Dave Geraci  
500 Water Street - J200  
Jacksonville, Florida 32202

Dear Mr. Geraci:

**CSX RAIL ABANDONMENT PROPOSAL  
CITY OF NORTH TONAWANDA, NIAGARA COUNTY**

In response to your letter dated August 7, 2007 for the above-noted project, we have the following environmental concerns:

1. The Department is concerned with possible contamination of the soil in the project area. It is stated in Section 7(iii) of the Environmental Report that records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment. This segment is immediately adjacent to the following known contaminated sites:

Roblin Steel (Class 03) - State Superfund

Booth Oil Company (Class 02) - State Superfund

Schreck's Scrapyard (Class 04) - State Superfund

814 River Road (Class A) - Environmental Restoration Program

Former Roblin Steel Site (Class A) - Environmental Restoration Program

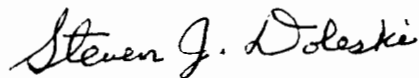
We are aware that the crossties and/or other debris will be transported away and will not be discarded on the right of way or in any stream or wetland. Because of the proximity of these contaminated sites to the segment, as well as possible contamination from normal railroad operations, we strongly suggest testing the ballast that is removed for hazardous constituents to confirm proper disposal.

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2. Has the possibility of recycling some of the materials removed (rail, crossties etc.) been considered rather than disposing of them?
3. It is stated in Section 3 (iv) that the abandoned property may be suitable for other purposes. After project completion, have uses for the area been explored?

Thank you for providing this office the opportunity to review the proposed project. If you have any questions, please feel free to contact Mr. Mark Passuite or me at 716/851-7165.

Respectfully,

A handwritten signature in black ink that reads "Steven J. Doleski". The signature is written in a cursive, flowing style.

Steven J. Doleski  
Regional Permit Administrator

MP:vam

cc: Mr. Peter Grasso, NYSDEC  
Honorable Lawrence Soos, Mayor, North Tonawanda